

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Tiare Technology, Inc.,

Plaintiff,

v.

Dine Brands Global, Inc.,

Defendant.

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Case No. 2:22-CV-00490-JRG-RSP
(LEAD CASE)

ORDER

Dine Brands Global, Inc. and Applebee's Restaurants LLC ("Defendants") previously filed a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) and 35 U.S.C. §101 (Dkt. No. 30). Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 147), recommending denial of Defendants' Motion to Dismiss. Defendants have now filed Objections (Dkt. No. 158), with Plaintiff Tiare Technology, Inc., filing a Response (Dkt. No. 163.)

After conducting a *de novo* review of the briefing on the Motion to Dismiss, the Report and Recommendation, and the briefing on Defendants' Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Defendants' Objections and **ADOPTS** the Report and Recommendation and orders that the Motion to Dismiss (Dkt. No. 30) is **DENIED**.

So ORDERED and SIGNED this 1st day of March, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE